

HOUSE BILL NO. 47

INTRODUCED BY K. GALVIN-HALCRO

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN APPROPRIATION FOR FULL-TIME ANB FUNDING TO PUBLIC SCHOOL DISTRICTS FOR STUDENTS ENROLLED FULL TIME IN A KINDERGARTEN PROGRAM OF AT LEAST 720 HOURS; AMENDING SECTIONS 20-7-117 AND 20-9-311, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

WHEREAS, full-day kindergarten has been proved to be a vital step in starting children on a successful path to learning; and

WHEREAS, children who are enrolled in full-day kindergarten programs demonstrate greater progress in literacy, math, and general learning skills; and

WHEREAS, children who are enrolled in full-day kindergarten programs demonstrate significant gains in social and emotional development; and

WHEREAS, children who are enrolled in full-day kindergarten programs experience fewer grade retentions and special education placements and demonstrate reduced behavioral problems; and

WHEREAS, at the conclusion of 12 meetings held between July 2003 and September 2004, the 28 members of the Montanan K-12 Public School Renewal Commission, established by the 2003 Legislature with passage of House Bill No. 736, included among its consensus recommendations to the Education and Local Government Interim Committee on September 15, 2004, the need to provide funding for full-time kindergarten programs; and

WHEREAS, although the Education and Local Government Interim Committee fully endorsed the recommendations of the K-12 Public School Renewal Commission, including the implementation of full-time ANB funding to school districts for students enrolled full time in a kindergarten program, the timing of the Commission's report failed to provide the Committee with sufficient time to prepare and sponsor legislation for the 2005 legislative session.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 **Section 1.** Section 20-7-117, MCA, is amended to read:

2 **"20-7-117. Five-year-old schooling and preschool programs.** (1) (a) The trustees of an elementary
3 district shall establish or make available a program capable of accommodating, at a minimum, all the children
4 in the district who will be 5 years old on or before September 10 of the school year for which the program is to
5 be conducted or who have been enrolled by special permission of the board of trustees. The program must be
6 an integral part of the elementary school and must be financed and governed accordingly, provided that to be
7 eligible for inclusion in the calculation of ANB pursuant to 20-9-311, a child must have reached the age of 5 on
8 or before September 10 of the school year covered by the calculation or have been enrolled by special
9 permission of the board of trustees.

10 (b) A program for a child in the district who will be 5 years old on or before September 10 is:

11 (i) a half-day program if offered for at least 360 hours but less than 720 hours in the school year; or

12 (ii) a full-day program if offered for at least 720 hours in the school year.

13 (2) The trustees of an elementary school district may establish and operate a free preschool program
14 for children between the ages of 3 and 5 years. When preschool programs are established, they must be an
15 integral part of the elementary school and must be governed accordingly. Financing of preschool programs may
16 not be supported by money available from state equalization aid."

17
18 **Section 2.** Section 20-9-311, MCA, is amended to read:

19 **"20-9-311. Calculation of average number belonging (ANB).** (1) Average number belonging (ANB)
20 must be computed as follows:

21 (a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were
22 enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils
23 on February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day,
24 and divide the sum by two; and

25 (b) multiply the average enrollment calculated in subsection (1)(a) by the sum of the pupil-instruction
26 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

27 (2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related
28 days may be included in the calculation.

29 (3) When a school district has approval to operate less than 180 school days under 20-9-806, the total
30 ANB must be calculated in accordance with the provisions of 20-9-805.

(4) Enrollment for a part of a morning session or a part of an afternoon session by a pupil must be counted as enrollment for one-half day.

(5) In calculating the ANB for pupils enrolled in a program established under 20-7-117(1);

(a) enrollment at a regular session of the program for at least 2 hours of either a morning or an afternoon session in a half-day program described in 20-7-117 must be counted as one-half of a regularly enrolled full-time pupil for ANB purposes. The ANB for a kindergarten student may not exceed one-half for each kindergarten pupil; and

(b) enrollment in a full-day program described in 20-7-117 must be counted as a regularly enrolled full-time pupil.

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) The enrollment of prekindergarten pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that when:

(a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the

1 other schools of the district; or

2 (iv) two or more elementary districts consolidate or annex under the provisions of 20-6-203, 20-6-205,
3 or 20-6-208, two or more high school districts consolidate or annex under the provisions of 20-6-315 or 20-6-317,
4 or two or more K-12 districts consolidate or annex under Title 20, chapter 6, part 4, the ANB and the basic
5 entitlements of the component districts must be calculated separately for a period of 3 years following the
6 consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years
7 as follows:

8 (A) 75% of the basic entitlement for the fourth year;

9 (B) 50% of the basic entitlement for the fifth year; and

10 (C) 25% of the basic entitlement for the sixth year.

11 (b) a junior high school has been approved and accredited as a junior high school, all of the regularly
12 enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB
13 purposes;

14 (c) a middle school has been approved and accredited, all pupils below the 7th grade must be
15 considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered
16 high school pupils for ANB purposes; or

17 (d) a school has not been accredited by the board of public education, the regularly enrolled, full-time
18 pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes,
19 nor will an average number belonging for the nonaccredited school be used in determining the BASE funding
20 program for the district.

21 (9) The district shall provide the superintendent of public instruction with semiannual reports of school
22 attendance, absence, and enrollment for regularly enrolled students, using a format determined by the
23 superintendent."

24
25 **NEW SECTION. Section 3. Appropriation.** The following amounts are appropriated from the general
26 fund to the office of public instruction for K-12 BASE aid to support the additional ANB funding for students
27 enrolled in full-day kindergarten programs:

28 Fiscal year 2006 \$11 million

29 Fiscal year 2007 \$11 million

NEW SECTION. **Section 4. Effective date -- applicability.** [This act] is effective July 1, 2005, and applies to school budgets for the school fiscal year beginning on or after July 1, 2005.

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